United Nations CCPR/C/119/D/2602/2015

International Covenant on Civil and Political Rights

Distr.: General
16 May 2017

Original: English

Human Rights Committee

Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2602/2015*, **

Communication submitted by:	Z.H.
Alleged victims:	The author, A.H. and their three minor children
State party:	Denmark
Date of communication:	15 February 2015 (initial submission)
Document references:	Decision taken pursuant to rule 97 of the Committee's rules of procedure, transmitted to the State party on 29 April 2015 (not issued in document form)
Date of adoption of Views:	27 March 2017
Subject matter:	Deportation to Albania
Substantive issues:	Right to life; right to freedom of movement; right not to be subjected to arbitrary or unlawful interference with privacy and home
Procedural issues:	Failure to substantiate claims, and compatibility *ratione materiae* and *ratione loci*
Articles of the Covenant:	6, 12 and 17
Articles of the Optional Protocol:	2 and 3

1.1 The author of the communication is Z.H., a national of Albania born in 1976, who submits it on behalf of himself, his wife, A.H., a national of Albania born in 1987, and their three minor children, born in 2005, 2010 and 2013, respectively. The family's asylum application in Denmark was rejected by the Refugee Appeals Board on 25 February 2015 and they now risk deportation. The author claims that their deportation to Albania would amount to a violation by Denmark of articles 6, 12 and 17 of the Covenant. The Optional Protocol to the Covenant entered into force for Denmark on 23 March 1976. The author is not represented by counsel.

* Adopted by the Committee at its 119th session (6-29 March 2017).

** The following Committee members participated in the examination of the communication: Tania Abdo Rocholl, Yadh Ben Achour, Ilze Brands Kehris, Sarah Cleveland, Ahmed Amin Fathalla, Olivier de Frouville, Christof Heyns, Yuji Iwasawa, Bamariam Koita, Marcia V.J. Kran, Duncan Laki Muhumuza, Photini Pazartzis, Mauro Politi, Anja Seibert-Fohr, Yuval Shany and Margo Waterval.

GE.17-07867(E)

1707867

Please recycle

1.2 On 29 April 2015, pursuant to rule 92 of its rules of procedure, the Committee, acting through its Special Rapporteur on new communications and interim measures, decided not to issue a request for interim measures of protection.

The facts as submitted by the author

2.1 The author's family originally resided in the north-western part of Albania. The author's family were involved in a land dispute in 1992, which has resulted in an ongoing blood feud involving four families, causing eight deaths, and several injuries and attempted killings. The author claims that he was subjected to attacks on two occasions: on 7 March 2004, an unknown person shot at him and his cousin, P.H.; and on 17 June 2008, while the author and his wife were driving, an unknown person shot at their car, after which the author's wife, then five-months pregnant, suffered a miscarriage.

2.2 The author claims that he left Albania after receiving a warning, in December 2012, from a member of the Hi. family that the H. family still owed a life. The warning was transmitted by A.B., a blood-feud conflict mediator. The Hi. family believes that P.H. murdered N.Hi. in 2002 and that he has not been punished sufficiently, as P.H. spent only 18 months in custody and was later acquitted.

2.3 The author entered Denmark on 28 January 2013 without his wife and children, and applied for asylum on 29 January 2013.

2.4 On 27 February 2013, the Danish Immigration Service rejected the author's asylum application.

2.5 On 9 March 2013, the author's wife, then eight-months pregnant, and their two children arrived in Denmark. On 14 March 2013, they applied for asylum. On 1 November 2013, the Danish Immigration Service rejected their application for asylum.

2.6 On 11 June 2014, the Refugee Appeals Board upheld the decision of the Danish Immigration Service not to grant asylum to the author and his family on the following grounds. First, the Board found that the application lacked credibility because the author and his wife had given divergent explanations as to when they had decided to leave Albania — the author had referred to December 2012, whereas his wife had referred to November 2012. Second, the Board found that the author had not been directly attacked or threatened. Third, the Board stated that the conflict was no longer ongoing because the last killings in connection with it occurred in 1997 and 2002, it was currently insufficiently intense and those responsible for the blood feud had been punished accordingly. Fourth, the Board considered that the blood feud was a private matter and that the author could seek protection from the Albanian authorities.

2.7 On 27 June 2014, the author requested the Board to reopen proceedings on the following grounds. First, his and his wife's explanations concerning the date of departure from Albania had been misinterpreted. The immigration authorities should have taken into account that, for cultural reasons, women in Albania were not given full details about family blood feuds, and that his wife was mentally weak and was unable to adequately account for the chronology of events. Second, the 2004 and 2008 attacks were directly linked to the family blood feud and that he had received direct threats that influenced his decision to leave Albania, which demonstrates that the author's life would be in danger and that he risks persecution and possible death in Albania. Third, there are clear indications that the blood feud has not ceased, since, for instance, there are new male family members that, having reached the age of majority, are now able to continue the blood feud, which in Albania tend to be long-lasting. The latest violent incident in relation to the blood feud occurred on 16 August 2014, when the author's nephew, A.H., was a victim of attempted murder, which was reported to the police, although the attacker remains unknown. The nephew has reached the age of 22, she is old enough to be perceived of as a target for revenge killing. The intensity of the conflict, including the number of murders, attacks, kidnappings, and cases of torture and forced prostitution, and the consequences thereof for the life of the author's family, namely constant fear and isolation, should be considered in conjunction with the passage of time. Fourth, the Albanian police would not be able to ensure protection of the author and his family, not only because of widespread corruption, but also due to the unwillingness of the police to get involved in a blood feud for fear of

putting their own families in danger. Since the police perceive the conflict as a family feud, the author does not find it logical to seek police protection.

2.8 On 20 November 2014, one of the author's cousins was granted subsidiary protection in France on the ground that he was a victim of the same blood feud and that the Albanian authorities were not able to provide him with effective protection. According to European Union legislation, subsidiary protection can be granted if the threat originates from non-governmental perpetrators and the State is unable or unwilling to provide effective protection. The author requested the Board to take the decision of the French authorities and such legislation into account.

2.9 On 25 February 2015, the Board rejected the author's request to reopen asylum proceedings.

2.10 The deportation of the author and his family to Albania was scheduled for 26 February 2015. However, the deportation was postponed, for unknown reasons, 12 hours before it was due to be carried out.

2.11 The author has submitted three documents in support of his claim. The first is a certificate dated 9 January 2013, in which the head of the G. village and the mayor of the municipality of F.K. confirmed that the H. family were in conflict with other families. Since 1992, three people have been killed and two have been injured, evidence of which was reflected in relevant court decisions. Despite the time that has elapsed, the relationship between the feuding families has not improved because customary law is strict in Albania, which means that the members of the H. family continue to be at risk.

2.12 The second document is a translated certificate of the prosecutor's office dated 2 September 2014, confirming that the first-instance court of K. district had opened criminal proceedings (No. 344), under articles 89 and 278/4 of the Criminal Code, for intent to cause minor injuries and for illegal possession of firearms in relation to the event that had occurred on 16 August 2014 in K. district, in which A.H., a resident of the G. village in the K. district, was wounded by gunshot in the leg.

2.13 The third document is a statement by the Albanian Human Rights Group dated 26 December 2014, for the attention of Asylret, a Danish refugee organization, stating that blood feuds remained a very serious problem in Albania. A blood feud implies a social obligation to commit a murder in order to reclaim the honour brought into question by an earlier murder or moral humiliation. Although the exact number of murders associated with blood feuds remains unknown, it is on the rise, as is the geographical reach of the problem. The H. family were trapped in the cycle of a blood feud. On 2 September 2014, the prosecutor's office of first instance in K. district registered prosecution case No. 344 in relation to the injury of A.H. on 16 August 2014. All attempts to reconcile the four families failed in December 2012. The families live in tension and there have been constant threats to continue the feud. These circumstances forced the author to flee to Denmark in 2013 as he and his family feared for their lives because of the blood feud. The Albanian Human Rights Group finds that no concrete steps have been taken to eradicate blood feuds, despite cooperation among the relevant structures. There is little or no aid from the Government for families trapped by blood feuds and there is no protection where mediation has failed. The police are often reluctant to interfere in blood feuds for fear of getting involved themselves. The corruption and indifference of the State authorities make it difficult to eliminate this phenomenon, which also claims the lives of women and children. Although blood feuds tend to occur in the north of Albania, they spread as families go into hiding elsewhere. The northern dialect gives people away and they are often found and murdered. People who seek revenge for the murder of their relatives search for their victims until they find them; it is easy to find people who hide in Albania because it is small. As regards the H. family, the Albanian Human Rights Group has emphasized that the only solution that would guarantee a normal life for the family was to live abroad since the Albanian institutions could not provide adequate protection to ensure their physical integrity in Albania.

The complaint

3.1 The author claims that his and his family's deportation to Albania would be in violation of their rights under articles 6, 12 and 17 of the Covenant.

3.2 Under article 6 of the Covenant, he claims that if forcibly removed, he would fear for his life, because of the family blood feud he was involved in before arriving in Denmark in January 2013. He was violently attacked on two occasions as a consequence of the blood feud and alleges that, as a male member of the H. family, he is at risk of being killed. The Albanian authorities are not in a position to provide him with effective protection.

3.3 The author submits that the right to freedom of movement will be violated because the family will be compelled to stay at home and live in isolation due to the fear of suffering the consequences of the blood feud. Furthermore, as all returning Albanian citizens who apply for asylum abroad, the family will be prohibited by law from leaving the country for five years, in violation of article 12 (2) of the Covenant.

3.4 Under article 17 of the Covenant, the author claims that the attempts at revenge will infringe the H. family's right not to be subjected to interference with their privacy and home and that the Albanian police are unable to protect them effectively.

State party's observations on admissibility and the merits

4.1 On 29 October 2015, the State party submitted its observations on admissibility and the merits of the communication and observed that the author had failed to substantiate his claim that he would be at risk of irreparable harm in Albania. For the same reason, the State party considers that the complaint under article 6 of the Covenant is inadmissible since it is manifestly ill-founded. The State party submits that the author's remaining claims under articles 12 and 17 of the Covenant are inadmissible *ratione loci* and *ratione materiae*.

4.2 The State party recalls that the author's wife and two children arrived in Denmark on 9 March 2013 and applied for asylum on the same day. On 11 November 2013, the Danish Immigration Service rejected their asylum application. On 11 June 2014, the Refugee Appeals Board rejected the appeal of the author and his family. On 25 February 2015, the Board refused to reopen the asylum proceedings in this case.

4.3 The State party refers to the Board's decision of 11 June 2014, and notes that the Board accepted, to a certain degree, the fact that the author had been involved, without playing a central role, in conflicts involving four families in Albania, but it also noticed inconsistencies in his statements. The Board noted, for example, that the author had stated that his family had decided to leave the country after receiving a threat in December 2012, whereas his wife had stated that they had decided to leave the country in November 2012, after her passport had been issued. It also noted that the author had stated that his family had been responsible for the most recent killings in the conflicts, whereas his uncle on his father's side had stated the opposite. Therefore, the Board had found that the author had not played a central role in the conflict and that the intensity of the conflict did not justify granting asylum. The Board emphasized that the author had not been contacted by the families involved in the blood feud nor had he been subjected to attacks or specific threats by them, including the 2004 and 2008 attacks, and that it was solely his assumption that he was being pursued by the other families. The author's claim that potential perpetrators in the other families had reached the age of 20 and could take revenge on him would not change the Board's conclusion that the author had not been a direct target of the attacks or threats. Assessing the intensity of the conflict, the Board emphasized that the most recent killings dated back to 1997 and 2002 and that the police had investigated them, and as a consequence several perpetrators had been convicted and served their sentences. The Board also noted that the author had stayed in Italy in 2004, without applying for asylum, whereas he took up residence in Albania until his departure in January 2013. As the conflict was of a private-law nature, the author and his family would have to seek protection from the Albanian authorities if they received specific threats or were subjected to specific attacks. According to the report of the Swedish Migration Agency of 14 June 2013 on blood feuds in Albania, the Albanian police and prosecution authorities had set up separate units handling conflicts relating to blood feuds and blood vengeance, and the Ministry of the Interior of Albania had prepared an action plan to combat blood feuds. It followed that the author and his family could seek help from the authorities and volunteers and take up residence in other parts of Albania.

4.4 In the light of the above, the Board did not accept the author's explanations about the extent of the conflict. The Board rejected the author's request to stay the proceedings pending his request for a statement from the family conflict mediator, considering that letters from blood feud communities "circulated widely". With regard to the author's wife, the Board emphasized that she referred solely to the author's grounds for asylum without claiming that she had independent grounds for asylum. The Board therefore found that the author and his family had failed to demonstrate that they would face a specific and personal risk of persecution or that they would be at a real risk of ill-treatment, as specified in section 7 of the Aliens Act.[1]

4.5 On 25 February 2015, the Board refused to reopen the asylum proceedings in the author's case, relying on its decision of 11 June 2014. The Board observed that it accepted as true the author's statement on the actual sequence of events, but was unable to accept his claims regarding the extent of the conflict with the other families. It upheld the decision that the conflict was of a private-law nature and that the author would have to seek the protection of the local authorities in that respect. The Board also noted that the author had not been personally contacted or threatened by members of the other families for a very long period of time, that the killings committed as part of the conflict had been investigated, which had resulted in the perpetrators being convicted, and that the author had not applied for asylum during his stay in Italy but had returned to, and taken up residence in, Albania. The fact that the author was the sole remaining male member of his family in Albania did not change the Board's conclusion. Furthermore, the Board found that the attempt to kill the author's nephew on 16 August 2014 had no connection with the author's case and that the letter issued by Asylret on 27 October 2014[2] and the incident itself appeared fabricated for the occasion. For the same reason, it gave no weight to the letters of the Albanian Human Rights Group in support of the author's application. It rejected the author's argument about his eligibility for subsidiary protection under European Union legislation on the ground that such rules on subsidiary protection were not part of Danish law. In the circumstances, the Board concluded that the author and his family had failed to prove that there would be a real risk of persecution or abuse in case of their forced return to Albania, within the meaning of section 7 of the Aliens Act.

4.6 The State party provided a detailed description of the tasks and composition of the Board, proceedings before it, as well as the legal basis of its decisions.[3]

4.7 The State party considers that the author has failed to establish that there are sufficient grounds for believing that his and his family's lives would be at risk, in case of deportation to Albania. Therefore, the State party considers that the author's claim under

---

[1] Section 7 of the Aliens (Consolidation) Act reads:

(1) Upon application, a residence permit will be issued to an alien if the alien falls within the provisions of the Convention relating to the Status of Refugees (28 July 1951).

(2) Upon application, a residence permit will be issued to an alien if the alien risks the death penalty or being subjected to torture or inhuman or degrading treatment or punishment in case of return to his country of origin. An application as referred to in the first sentence hereof is also considered an application for a residence permit under subsection (1).

(3) A residence permit under subsections (1) and (2) can be refused if the alien has already obtained protection in another country, or if the alien has close ties with another country in which the alien must be deemed to be able to obtain protection.

[2] In a letter dated 27 October 2014, Asyrlet submitted a request for the reopening of proceedings on behalf of the author and his family. It referred to the attempted murder of the author's nephew on 16 August 2016, which proved that the conflict had not lost its intensity. It also referred to the letter by the head of the G. village and the mayor of the municipality of F.K., on file, that the relationships among the families had not improved. It also referred to a report of the Committee for National Reconciliation (2013), according to which the police were unable to protect people at risk of being killed and the legal system was inefficient and sometimes corrupt. It also referred to a statement by an asylum seeker, a victim of a blood feud, according to which the Danish authorities had passed information about her asylum case to the Albanian authorities, which registered her family as criminals and issued them with departure bans. Asyrlet submitted that the author and his family risked reprisals from the Albanian authorities if their documents were passed on to them.

[3] For a full description, see communication No. 2379/2014, *Hussein Ahmed v. Denmark*, Views adopted on 7 July 2016, paras. 4.1-4.3.

article 6 of the Covenant is manifestly unfounded and therefore inadmissible. Should the Committee declare the author's claim under article 6 admissible, the State party submits that it is unsubstantiated.

4.8 The State party relies on the assessment made by the Board on 11 June 2014 and 25 February 2015, in which the Board did not accept the author's assessment of the extent and intensity of the conflict, that is the author did not play a central role in the conflict, he was neither contacted by the families nor subjected to attacks or specific threats. The most recent killings were committed in 1997 and 2002. The police investigated killings in connection with the conflict and perpetrators were convicted. After visiting Italy in 2004, the author did not apply for asylum but returned to Albania. The author's fear of attacks in Albania is based on his own assumptions. The State party finds it inconsistent with the circumstances that the author did not apply for asylum in Italy. In addition, the author and his wife made inconsistent statements regarding the reason for their departure from Albania, which, according to the author, was a threat in December 2012, and, for his wife, the issuance of a passport in November 2012. These inconsistencies were not sufficiently explained, which had an impact on the author's credibility. It has not been demonstrated that the attacks on the author in 2004 and 2008 and the attempted killing of his nephew in 2014 were connected to the author's conflict. The author's statement that the Albanian authorities would not be able to protect him from the blood feud contradicts the background material on Albania.[4] Granting asylum to the author's cousin in France does not entail granting asylum to the author, which is subject to individual assessment by the Board. The Board had no obligation to verify the authenticity of supporting documents submitted by the author. The decision on whether to do so must be based on an overall assessment of, inter alia, the nature and contents of the documents in conjunction with consideration of whether such verification could lead to a different assessment of the evidence, the timing and circumstances of the submission, and the credibility of the asylum seeker's statement in the light of the general background information available on the conditions in the country. The European Union legislation on subsidiary protection is not part of Danish law — owing to the country's decision to opt out of such legislation — and its application falls outside the Committee's competence as such.

4.9 The State party submits that by lodging the communication, the author and his family expressed disagreement with the Board's assessment of their asylum claims. They failed, however, to identify any irregularity in the decision-making process or any risk factors that the Board had failed to take properly into account. In the circumstances, the Committee must give considerable weight to the findings made by the Board, which is better placed to assess the factual circumstances of the case. In the light of the Board's decisions, the State party reiterates the fact that the author has failed to substantiate the risk of persecution or abuse justifying asylum if returned to Albania. Therefore, the return of the author and his family to Albania would not constitute a breach of article 6 of the Covenant.

4.10 The State party submits that the author's claims under articles 12 and 17 of the Covenant are inadmissible *ratione loci* and *ratione materiae*, to the extent that the author seeks the extraterritorial application of the obligations of Denmark under the Covenant. As Albania is outside the territory and jurisdiction of Denmark, the Committee lacks jurisdiction over the alleged violations with respect to Denmark. As stated in paragraph 12 of general comment No. 31 (2004) on the nature of the general legal obligations imposed on States parties to the Covenant, article 2 of the Covenant entails an obligation on a State party not to remove a person from its territory where there are substantial grounds for believing that there is a risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant, either in the country to which removal is to be effected or in any country to which the person may subsequently be removed.[5] Removing a person in fear of having his rights under articles 12 and 17 of the Covenant violated by another State party will not cause such irreparable harm as that contemplated by articles 6 and 7. The State party observes that the author has not substantiated the claim that his family would be subjected

[4] Reference is made to the report by the Swedish Migration Agency of 14 June 2013 on blood feuds in Albania and United Kingdom of Great Britain and Northern Ireland, Home Office, "Country information and guidance — Albania: blood feuds", June 2014.

[5] The State party also refers to the case law of the European Court of Human Rights.

to five-year departure bans in case of their return to Albania, including by referring to the competent authority in Albania.

Author's additional submissions

5.1 On 10 January 2016, the author reiterated his claims at length. He submits that a forced return to Albania would pose a direct threat to his and his family's lives, in breach of article 6 of the Covenant. They live in constant fear of being killed, due to the threat posed by the unresolved blood feud in Albania. The author disagrees with the State party's statement that his asylum request was not fully substantiated. Although, the Board acknowledged that the family had been involved in a blood feud involving four families in Albania, it rejected the family's request for asylum, giving decisive weight to minor inconsistences in the statements of the author and his wife about the dates of departure from Albania and the lack of connection between the attacks of 2004 and 2008 and the blood feud. The author submits that it has been shown that those attacks were related to the conflict, which proves the author's central role in the blood feud and puts his and his family's lives at risk if returned to Albania. This threat is supported by the following circumstances: the subsidiary protection granted to the author's cousin in France; reports by Albanian organizations and other countries that the Albanian authorities are unable to protect victims of blood feuds; the attempted murder of the author's nephew in 2014; and the threat from the Hi. family in 2012 that the author's family still owes lives.

5.2 Furthermore, the author's attempts to find a solution to stay in Albania, particularly by solving the conflict through mediation with the participation of several official mediators, were unsuccessful. The family decided to leave Albania when, during the mediation process, they received a death threat from the Hi. family. The author challenges as unfounded the Board's argument that the attempted murder of his nephew in 2014 and supporting documents appeared fabricated in order to support his asylum case. He claims that valid and official documentation was presented to the Board, which was encouraged to contact the Albanian authorities to verify the documents. On 17 August 2015, the author filed a complaint with the Board and the Danish Ombudsperson, concerning the dismissal of the documentation by the Board, which records the blood feud, how it jeopardizes the family's lives and the inability of the police to protect them from persecution. The author submits that the Board is a quasi-judicial body and its decisions are not subject to appeal to domestic courts.

5.3 On 4 December 2016, the author claimed that his children considered Denmark as their only home, since his two oldest children had no memories of living in Albania and his youngest child had been born in Denmark. The children are thriving at school and kindergarten, where they have integrated themselves. They speak fluent Danish and are excellent students at school. In Albania, they will not have access to school because, to ensure their safety, they will be forced to live in isolation and hiding. This will violate their basic human rights.

5.4 The author and his family are currently living in Denmark. Their deportation was postponed 12 hours before it was supposed to take place. The author adds that the family of the Prosecutor General of Albania, A.L., was forced to leave Albania because of threats against them. He appends a newspaper article in this connection. According to the author, this confirms that the Albanian authorities are unable to protect Albanian nationals. The author and his family are suffering from the fear of return to Albania, they are undergoing psychological and family counselling in this connection and in relation to the prolonged handling of their case by the State party's authorities.

Issues and proceedings before the Committee

Consideration of admissibility

6.1 Before examining any complaint submitted in a communication, the Committee must decide, in accordance with rule 93 of its rules of procedure, whether the communication is admissible under the Optional Protocol.

6.2 The Committee has ascertained, as required under article 5 (2) (a) of the Optional Protocol, that the same matter is not being examined under another procedure of international investigation or settlement.

6.3 The Committee takes note of the author's claim that he has exhausted all effective domestic remedies available to him. In the absence of any objection by the State party in this connection, the Committee considers that the requirements of article 5 (2) (b) of the Optional Protocol have been met.

6.4 The Committee notes the author's claim that the rights protected under articles 12 and 17 of the Covenant will be violated with respect to him and his family in case of their forced return to Albania as they will be confined to home against their will, will live in isolation and will be banned from leaving the country for five years. The Committee also notes the State party's argument that the author's claim under articles 12 and 17 of the Covenant is inadmissible both *ratione loci* and *ratione materiae* because these provisions do not have extraterritorial application and the State party cannot therefore be held responsible for their violation if committed outside of its territory and jurisdiction by another State. The Committee further notes the State party's argument that the author has failed to substantiate his claims, including by referring to the competent authorities in Albania. The Committee notes that the author has not provided any further information or evidence on how his and his family's rights under articles 12 and 17 of the Covenant have been or would be violated by the State party through their removal to Albania in a manner that would give rise to irreparable harm such as that contemplated under articles 6 and 7 of the Covenant.[6] In view of the particular circumstances of the present case, the Committee considers that the author's claims under articles 12 and 17 of the Covenant are incompatible with article 2 of the Covenant, and inadmissible under article 3 of the Optional Protocol.

6.5 The Committee further notes the State party's challenge to the admissibility of the communication on the grounds that the author's claims under article 6 of the Covenant are manifestly ill-founded. However, the Committee considers that, for the purposes of admissibility, the author has explained in sufficient detail why his and his family's safety could be put at risk upon return to Albania. Accordingly, the Committee declares the communication admissible insofar as it appears to raise issues under article 6 of the Covenant and proceeds with its consideration of the merits.

Consideration of the merits

7.1 The Committee has considered the communication in the light of all the information submitted to it by the parties, in accordance with article 5 (1) of the Optional Protocol.

7.2 The Committee notes the author's claim that as a male member of the H. family, which has been involved in an ongoing violent blood feud since 1992 with three other Albanian families, he would risk persecution and death if he were forcibly returned to Albania. The Committee also notes the State party's observation that the Board accepted as fact that the author was involved in a conflict involving four families in Albania but could not accept the author's statement about the extent of the conflict and that he was personally threatened by it. The Board pointed out that the author's wife had no separate grounds for asylum.

7.3 The Committee recalls its general comment No. 31, in which it refers to the obligation of States parties not to extradite, deport, expel or otherwise remove a person from their territory when there are substantial grounds for believing that there is a real risk of irreparable harm such as that contemplated by articles 6 and 7 of the Covenant.[7] The Committee has also indicated that the risk must be personal[8] and that there is a high threshold for providing substantial grounds to establish that a real risk of irreparable harm

[6] See general comment No. 31, para. 12.

[7] Ibid.

[8] See, inter alia, communications No. 2393/2014, *K v. Denmark*, Views adopted on 16 July 2015, para. 7.3, and No. 2272/2013, *P.T. v. Denmark*, Views adopted on 1 April 2015, para. 7.2.

exists. Thus, all relevant facts and circumstances must be considered, including the general human rights situation in the author's country of origin.[9]

7.4 The Committee also recalls its jurisprudence that important weight should be given to the assessment conducted by the State party, and that it is generally for the organs of States parties to the Covenant to examine the facts and evidence of the case in order to determine whether such a risk exists, unless it can be established that the assessment was clearly arbitrary or amounted to a manifest error or denial of justice.[10]

7.5 In this context, the Committee notes the author's assertion that the State party's authorities have failed to assess the risk to life for him and his family if they returned to Albania. While noting that there are reports of human rights violations in Albania in relation to blood-feud crimes (CCPR/C/ALB/CO/2, para. 10), the Committee observes that the asylum applications of the author and his family were thoroughly examined by the State party's authorities, which found that neither the author nor his family were directly targeted by the blood feud and that the 2004 and 2008 attacks on the author and the 2014 attack on his nephew were not necessarily connected with the blood feud, concluding that they had failed to establish a specific and individual risk of irreparable harm, if removed. It was established that the impugned attacks related to the acts of private individuals and that the author did not allege that he had contacted the Albanian authorities in order to seek protection from the conflicting families and there was nothing on file to demonstrate why he would not do so in the future. The authorities found that the conflict was outdated and lacked intensity as the last killing had occurred in 2002 and the perpetrators had been prosecuted and punished, whereas the author has not been personally contacted or threatened for a long period of time. On the other hand, the State party's authorities indicated inconsistencies in the statements of the author and his wife regarding the dates and reasons for leaving Albania, which undermined the credibility of their claims. While the author submitted that he had received a threat from one of the conflicting families, his wife stated that the issuance of her passport prompted their departure. Furthermore, it appeared contradictory that, given the circumstances of the ongoing blood feud, the author did not move his residence to Italy in 2004 while visiting nor did he seek asylum there. Although the author disagrees with the factual conclusions of the State party's authorities on the asylum applications, he has failed to demonstrate that the decision to refuse him protection under section 7 of the Aliens Act was clearly arbitrary or amounted to a denial of justice. Moreover, the author has not pointed to any procedural irregularities in the decision-making procedure by the Danish Immigration Service or the Refugee Appeals Board. In the light of the above, the Committee cannot conclude that the information before it shows that the decision to remove the author and his family to Albania was arbitrary or amounted to a denial of justice. Accordingly, the Committee cannot conclude that if it proceeds with the forced removal to Albania of the author and his family, the State party would violate their rights under article 6 of the Covenant.

8. The Committee, acting under article 5 (4) of the Optional Protocol, is of the view that the removal of the author and his family to Albania would not violate their rights under article 6 of the Covenant.

---

[9] See, inter alia, communications No. 2007/2010, *X v. Denmark*, Views adopted on 26 March 2014, para. 9.2, and No. 1833/2008, *X v. Sweden*, Views adopted on 1 November 2011, para. 5.18.

[10] See, inter alia, *X v. Denmark*, para. 9.2, *P.T. v. Denmark*, para. 7.3, and *X v. Sweden*, para. 5.18.